

§ 163.112 Breakfast cocoa.

(a) *Description.* (1) Breakfast cocoa is the food prepared by pulverizing the material remaining after part of the cacao fat has been removed from ground cacao nibs. Breakfast cocoa contains not less than 22 percent by weight of cacao fat as determined by the method prescribed in § 163.5(b).

(2) Optional alkali ingredients specified in paragraph (b)(1) of this section may be used as such in the preparation of breakfast cocoa under the conditions and limitations specified in § 163.110(b)(1).

(3) Optional neutralizing agents specified in paragraph (b)(2) of this section may be used as such in the preparation of the breakfast cocoa under the conditions and limitations specified in § 163.110(b)(2).

(4) Breakfast cocoa may be spiced, flavored, or seasoned with one or more of the ingredients listed in paragraphs (b)(3) and (b)(4) of this section.

(b) *Optional ingredients.* The following safe and suitable ingredients may be used:

(1) Alkali ingredients. Ammonium, potassium, or sodium bicarbonate, carbonate, or hydroxide, or magnesium carbonate or oxide, used as such, or in aqueous solution;

(2) Neutralizing agents. Phosphoric acid, citric acid and L-tartaric acid, used as such, or in aqueous solution;

(3) Spices, natural and artificial flavorings, and other seasonings that do not either singly or in combination impart a flavor that imitates the flavor of chocolate, milk, or butter; or

(4) Salt.

(c) *Nomenclature.* The name of the food is "breakfast cocoa", or "high fat cocoa".

(1) When any optional alkali ingredient specified in paragraph (b)(1) of this section is used, including those used in the preparation of the cacao nibs from which the breakfast cocoa was prepared, the name of the food shall be accompanied by the statement "Processed with alkali", or "Processed with _____", the blank being filled in with the common or usual name of the specific alkali ingredient used in the food.

(2) When any optional neutralizing agent specified in paragraph (b)(2) of

this section is used, including those used in the preparation of the cacao nibs from which the breakfast cocoa was prepared, the name of the food shall be accompanied by the statement "Processed with neutralizing agent" or "Processed with _____", the blank being filled in with the common or usual name of the specific neutralizing agent used in the food.

(3) When one or more of the spices, flavorings, or seasonings specified in paragraph (b)(3) of this section are used in the breakfast cocoa, the label shall bear an appropriate statement, e.g., "Spice added", "Flavored with _____", or "With _____ added", the blank being filled in with the common or usual name of the spice, flavoring, or seasoning used, in accordance with § 101.22 of this chapter.

(4) When two or more of the statements set forth in this paragraph are required, such statements may be combined in a manner that is appropriate, but not misleading.

(5) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this paragraph showing optional ingredients used shall precede or follow the name without intervening printed or graphic matter.

(d) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

§ 163.113 Cocoa.

(a) *Description.* Cocoa is the food that conforms to the definition and standard of identity, and is subject to the requirements for label declaration of ingredients for breakfast cocoa in § 163.112, except that the cacao fat content is less than 22 percent, but not less than 10 percent by weight, as determined by the method prescribed in § 163.5(b).

(b) *Nomenclature.* The name of the food is "cocoa" or "medium fat cocoa".

§ 163.114 Lowfat cocoa.

(a) *Description.* Lowfat cocoa is the food that conforms to the definition and standard of identity, and is subject

to the requirements for label declaration of ingredients for breakfast cocoa in §163.112, except that the cacao fat content is less than 10 percent by weight, as determined by the method prescribed in §163.5(b).

(b) *Nomenclature.* The name of the food is “lowfat cocoa”.

§ 163.117 Cocoa with dioctyl sodium sulfosuccinate for manufacturing.

(a) *Description.* Cocoa with dioctyl sodium sulfosuccinate for manufacturing is the food additive complying with the provisions prescribed in §172.520 of this chapter. It conforms to the definition and standard of identity, and is subject to the requirements for label declaration of ingredients, for breakfast cocoa in §163.112, or for cocoa in §163.113, or for lowfat cocoa in §163.114, except that the food additive contains dioctyl sodium sulfosuccinate (complying with the requirements of §172.810 of this chapter, including the limit of not more than 0.4 percent by weight of the finished food additive).

(b) *Nomenclature.* The name of the food additive is “cocoa with dioctyl sodium sulfosuccinate for manufacturing” to which is added any modifier of the word “cocoa” required by the definition and standard of identity to which the food additive otherwise conforms. When the food additive is used in a fabricated food, the phrase “for manufacturing” may be omitted from any declaration of ingredients required under §101.4 of this chapter.

§ 163.123 Sweet chocolate.

(a) *Description.* (1) Sweet chocolate is the solid or semiplastic food prepared by intimately mixing and grinding chocolate liquor with one or more optional nutritive carbohydrate sweeteners, and may contain one or more of the other optional ingredients specified in paragraph (b) of this section.

(2) Sweet chocolate contains not less than 15 percent by weight of chocolate liquor complying with the requirements of §163.111, as calculated by subtracting from the weight of the chocolate liquor used the weight of the cacao fat therein and the weights therein of any alkali, neutralizing, and seasoning ingredients, and multiplying the remainder by 2.2, dividing the result by

the weight of the finished sweet chocolate, and multiplying the quotient by 100. The finished sweet chocolate contains less than 12 percent by weight of total milk solids based on those dairy ingredients specified in paragraph (b)(4) of this section, exclusive of any added sweetener or other dairy derived ingredient that is added beyond that amount that is normally present in the specified dairy ingredient.

(3) Semisweet chocolate or bittersweet chocolate is sweet chocolate that contains not less than 35 percent by weight of chocolate liquor complying with the requirements of §163.111 and calculated in the same manner as set forth in paragraph (a)(2) of this section.

(4) Cacao fat is determined by the method prescribed in §163.5(b).

(b) *Optional ingredients.* The following safe and suitable ingredients may be used:

- (1) Cacao fat;
- (2) Nutritive carbohydrate sweeteners;
- (3) Spices, natural and artificial flavorings, ground whole nut meats, ground coffee, dried malted cereal extract, salt, and other seasonings that do not either singly or in combination impart a flavor that imitates the flavor of chocolate, milk, or butter;
- (4) Dairy ingredients:
 - (i) Cream, milkfat, butter;
 - (ii) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk;
 - (iii) Skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk;
 - (iv) Concentrated buttermilk, dried buttermilk; and
 - (v) Malted milk; or
- (5) Emulsifying agents, used singly or in combination, the total amount of which does not exceed 1.0 percent by weight.

(c) *Nomenclature.* The name of the food is “sweet chocolate”, “sweet chocolate coating”, “semisweet chocolate”, “semisweet chocolate coating”, “bittersweet chocolate”, or “bittersweet chocolate coating”, as appropriate.

(1) When optional alkalizing ingredients are used in the preparation of the chocolate liquor or the cacao nibs from which the chocolate was prepared, the